

### 12.4.2 Adult Beneficiaries

Adult beneficiaries must give their consent to the court to permit a variation of trust. In what form must that consent be given? The courts of Jersey, where a similar system of variation of trust exists, looked at this question in *Mubarak v Mubarak* [2008] JRC 136.

***Mubarak v Mubarak* [2008] JRC 136**

Mr and Mrs Mubarak were engaged in prolonged divorce litigation in England. A trust for the family was established in Jersey and in that trust, Mr Mubarak was allowed to add and remove beneficiaries. He removed his wife, but as part of the divorce proceedings in England, he was required to reinstate her. Mr Mubarak wrote to the trustees in Jersey to that effect.

HELD: Mr Mubarak had freely given his consent to the variation.